

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

JAMES DANIEL KNUPP,  
Defendant.

NO. CR12-099RSM

**ORDER FOR A COMPETENCY  
EXAMINATION AND CONTINUING  
TRIAL**

This matter having come before the Court upon the Defendant's Motion for a Competency Hearing, the Court concludes and finds as follows:

1. Defense counsel maintains that the defendant is not competent to stand trial. In light of this development, a substantial question has been raised as to whether the defendant is competent.

2. A period of delay is necessary to determine the mental competency of the defendant. Therefore, any such delay is excludable time under the Speedy Trial Act, as contemplated by Title 18, United States Code, Section 3161(h)(1).

IT IS THEREFORE ORDERED that:

The defendant shall be examined by an expert designated by the Bureau of Prisons to occur no later than within 30 days of the date of this order, and a report shall be filed with the Court and provided to the parties pursuant to the 18 U.S.C. § 4247(c).

1 The trial date in this matter is hereby continued until a date to be set by the Court following the  
2 determination of the defendant's mental competency.

3 The period of time from the date of the order until the date that the Court determines whether  
4 defendant is or is not competent is excludable time under the Speedy Trial Act as "delay resulting from  
5 any proceeding, including any examinations, to determine the mental competency . . . of the defendant"  
6 within the meaning 18 U.S.C. § 3161(h)(1).

7 DATED this 20<sup>th</sup> day of December 2012.

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11 RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE  
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16 Presented by:

17  
18 /s/ Thomas A. Bates  
19 THOMAS A. BATES  
20 Executive Assistant United States Attorney  
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